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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,960	01/09/2002	Patricia Shanahan	2070.004600/P6762	6689
7590	11/24/2003		EXAMINER	
B. Noel Kivlin Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. P.O. Box 398 Austin, TX 78767-0398			MOAZZAMI, NASSER G	
			ART UNIT	PAPER NUMBER
			2187	
			DATE MAILED: 11/24/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/042,960	SHANAHAN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Nasser G Moazzami	2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 January 2002.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-28 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

1. Claims 1-28 is presented in this application for examination.

***Double Patenting***

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

3. Claims 1-28 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-28 of copending Application No. 10/042,989. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2187

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandberg (U.S. Patent No. 5,592,625).

As for claim 1, Sandberg teaches a method comprising: mapping a memory region from a source device into a central device [**mapping memory page to SVM page (see Fig. 2)**]; mapping a memory region from a target device into the central device; [**mapping memory page to SVM page (see Fig. 2)**]; and transferring data from the mapped memory region of the source device to the mapped memory region of the target device [**transmitting data from one location to another (see Fig. 2; also see column 7, lines 8-39)**].

As for claims 2-3, Sandberg teaches that mapping of the source and target devices to the central device comprise receiving a page frame number and mapping the page frame number to a virtual memory location in the central device [**since the patent is disclosing that a page is being mapped into a shared virtual memory (SVM), one ordinary skill in the art would have recognized that there has to be a page number from the locations 21-23 of figure 2 that is being mapped to a virtual memory location of the SVM; also see column 6, lines 21-27**].

As for claim 4, sandberg discloses copying data from the source device to the target device [**transmitting data from one node to another**].

As for claims 5-6, Sandberg teaches that mapping of the source and target devices comprises mapping a physical address of a transfer buffer of the source and target devices respectively into the central device [input and output FIFOs 34 and 35 of network interface (see Figs. 1-6); outgoing network packets virtual address is derived from the page table using physical address as an index (column 9, lines 49-63)].

As for claims 7-8, Sandberg discloses a interprocessor communication for moving data from one computer's memory space to one or more other computer's memory spaces [column 2, lines 17-19; capability of writing into each others memories (column 2, lines 60-63); also see column 5, lines 66-67].

As for claim 9, sandberg discloses polling a transmit queue [messages are queued in the input FIFO (column 8, lines 22-23)].

As for claims 10-28, claims 10-28 encompass the same scope of the invention as those of claims 1-9, except that claims 19 and 28 are calling for removing the mapped memory regions in response to successfully transferring the data [deleting and adding to the free list]. Therefore claims 10-28 are rejected for the same reasons as stated above with respect to claims 1-9.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,295,585 (Gillett, Jr. et al.)

U.S. Patent No. 6,078,733 (Osborne)

U.S. Patent No. 6,075,938 (Bugnion et al.)

U.S. Patent No. 6,049,853 (Kingsbury et al.)

U.S. Patent No. 5,867,656 (Iwasaki et al.)

U.S. Patent No. 5,841,988 (Chennubhotla et al.)

U.S. Patent No. 5,710,910 (Kehl et al.)

U.S. Patent No. 5,299,313 (Petersen et al.)

U.S. Patent No. 4,956,771 (Neustaedter)

U.S. Patent No. 4,564,900 (Smitt)

U.S. Patent No. 4,315,310 (Bayliss et al.)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser G Moazzami whose telephone number is (703) 305-0017. The examiner can normally be reached on 7:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (703) 426-1756. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Art Unit: 2187

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 746-7240.



Nasser Moazzami  
11/17/2003